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09/942,872	08/30/2001	Robert R. Wampler	38190/233787	9504

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EXAMINER

PEREZ DAPLE, AARON C

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 07/19/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/942,872

Applicant(s)

WAMPLER, ROBERT R.

Examiner

Aaron C Perez-Daple

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This Action is in response to RCE and Amendment filed 6/1/04, which has been fully considered.
2. Amended claims 1-21 are presented for examination.
3. This Action is non-Final.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Claims 1-21** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claims 1, 8 and 15 recite the limitation “when the at last one motion device is configured to operate on at least one object, information regarding the at least one object.” The grammatical structure of this limitation renders the meaning somewhat unclear. The Examiner interprets that the electronic simulation information is further representative of information regarding the at least one object when the at least one motion device is configured to operate on at least one object.

Claims 1, 8 and 15 further recite the limitation, “the electronic simulation information is otherwise capable of being used to verify operation of the at least one motion device produced by a set of operation information.” It is not clear to the Examiner what is being claimed as “produced” by a the set of operation information. Furthermore, it is not clear in what capacity the electronic simulation is used to enable this simulation. For the purpose of

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applying prior art, the Examiner interprets that any teaching of using simulation information for verifying operation of the at least one motion device is sufficient to meet this limitation of the claims.

6. As dependent claims, claims 2-7, 9-14 and 16-21 suffer from the same deficiencies as claims 1, 8 and 15.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor et al. (US 5,991,528).

9. As for claim 8, Taylor discloses a system, a method, and a computer program product for controlling the operation of at least one motion device comprising at least one controllable element, said system comprising:

a setup component (expert system 100, Fig. 2) capable of extracting process information from electronic simulation information, wherein the electronic simulation information is representative of information regarding the at least one motion device and, when the at least one motion device is configured to operate on at least one object, information regarding the at least one object, wherein the electronic simulation information is otherwise capable of

being used to verify operation of the at least one motion device produced by a set of operation information, wherein said setup component is further capable of formatting the process information into neutral process information (process data file 104, Fig. 2), wherein the neutral process information is in a format independent of a format of the electronic simulation information (col. 6, line 66 - col. 8, line 44, "Accordingly, in general...different device controller."); and

at least one motion command component, capable of receiving the neutral process information from said setup component, wherein each motion command component is associated with at least one motion device, wherein each motion command component is capable of interpreting the received neutral process information into operation information for the at least one controllable element of each respective motion device, wherein the operation information depends on a type of the at least one motion device, and wherein each motion command component is further capable of distributing the operation information to the at least one controllable element of each respective motion device to thereby control the operation of the respective motion devices (col. 8, lines 17-36, "Motion/process data...control system 24."; Figs. 1 and 2).

10. Claims 1 and 15 are subject to the same limitations as claim 8, therefore the same rejections apply.
11. As for claim 9, Taylor discloses, a system according to claim 8, wherein the at least one motion device comprises a plurality of motion devices, said setup component is capable of interpreting the neutral process information into operation information specific to the type of each of the plurality of motion devices, and wherein each motion command component is

capable of distributing the operation information to the at least one controllable element of each respective motion device of the plurality of motion devices (col. 7, line 36 - col. 8, line 36, "Expert system 100...control system 24.").

12. Claims 2 and 16 are subject to the same limitations as claim 9, therefore the same rejections apply.

13. As for claim 10, Taylor discloses a system according to claim 8, wherein the electronic simulation information comprises electronic simulation information in at least one format (inherent), and wherein said setup component is capable of formatting the process information extracted from the electronic simulation information into the neutral process information in a neutral format independent of the at least one format of the electronic simulation information (col. 7, line 36 - col. 8, line 16, "Expert system 100...data file 104.").

14. Claims 3 and 17 are subject to the same limitations as claim 10, therefore the same rejections apply.

15. As for claim 11, Taylor discloses a system according to claim 11, wherein the at least one motion device operates according to operation information in the at least one format, and wherein each motion command component is capable of interpreting the neutral process information into operation information in the format of each respective motion device (col. 8, lines 17-36, "Motion/process data...control system 24.").

16. Claims 4 and 18 are subject to the same limitations as claim 11, therefore the same rejections apply.

17. As for claim 12, Taylor discloses a system according to claim 8, wherein the electronic simulation information comprises electronic simulation information in at least one format,

wherein the at least one motion device operates according to operation information in at least one format, wherein said setup component is capable of formatting the process information extracted from the electronic simulation information into the neutral process information in a neutral format independent of the at least one format of the electronic simulation information, and wherein each motion command component is capable of interpreting the neutral process information into operation information in the format of each respective motion device (col. 7, line 36 - col. 8, line 16, "Expert system 100...data file 104.").

18. Claims 5 and 19 are subject to the same limitations as claim 12, therefore the same rejections apply.

19. As for claim 13, Taylor discloses a system according to claim 12, wherein said setup component is capable of formatting the process information into the neutral process information in a neutral format independent of the at least one format of the electronic simulation information, and further independent of the at least one format of the operation information of the at least one motion device (col. 7, line 36 - col. 8, line 16, "Expert system 100...data file 104.").

20. Claims 6 and 20 are subject to the same limitations as claim 13, therefore the same rejections apply.

21. As for claim 14, Taylor discloses a system according to claim 8, wherein the at least one motion device comprises at least one machine tool (machine tools 30, Fig. 1), and wherein each motion command component is capable of distributing the operation information to each respective machine tool to thereby control the operation of the respective machine tools (col. 8, lines 17-36, "Motion/process data...control system 24.").

22. Claims 7 and 21 are subject to the same limitations as claim 13, therefore the same rejections apply.

### ***Response to Arguments***

23. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 2002/0130869 A1, note Fig. 1; US 6,629,002 B1, note use of XML as neutral file format; US 6,614,430 B1, note Fig. 2; US 5,819,062, note Fig. 1.
25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C Perez-Daple whose telephone number is (703) 305-4897. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access




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to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197  
(toll-free).

 7/2/04

Aaron Perez-Daple

  
ZARNI MAUNG  
PRIMARY EXAMINER